

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Adoption Act is amended by changing Sections  
5 6, 18.4a, and 18.5 and by adding Section 18.4b as follows:

6 (750 ILCS 50/6) (from Ch. 40, par. 1508)

7 Sec. 6. A. Investigation; all cases. Within 10 days after  
8 the filing of a petition for the adoption or standby adoption  
9 of a child other than a related child, the court shall appoint  
10 a child welfare agency approved by the Department of Children  
11 and Family Services, or a person deemed competent by the court,  
12 or in Cook County the Court Services Division of the Cook  
13 County Department of Public Aid, or the Department of Children  
14 and Family Services if the court determines that no child  
15 welfare agency is available or that the petitioner is  
16 financially unable to pay for the investigation, to investigate  
17 accurately, fully and promptly, the allegations contained in  
18 the petition; the character, reputation, health and general  
19 standing in the community of the petitioners; the religious  
20 faith of the petitioners and, if ascertainable, of the child  
21 sought to be adopted; and whether the petitioners are proper  
22 persons to adopt the child and whether the child is a proper  
23 subject of adoption. The investigation shall include a review

1 of the individual health information summaries required by  
2 Section 18.4b. The investigation required under this Section  
3 shall include a fingerprint based criminal background check  
4 with a review of fingerprints by the Illinois State Police and  
5 Federal Bureau of Investigation. Each petitioner subject to  
6 this investigation, shall submit his or her fingerprints to the  
7 Department of State Police in the form and manner prescribed by  
8 the Department of State Police. These fingerprints shall be  
9 checked against the fingerprint records now and hereafter filed  
10 in the Department of State Police and Federal Bureau of  
11 Investigation criminal history records databases. The  
12 Department of State Police shall charge a fee for conducting  
13 the criminal history records check, which shall be deposited in  
14 the State Police Services Fund and shall not exceed the actual  
15 cost of the records check. The criminal background check  
16 required by this Section shall include a listing of when, where  
17 and by whom the criminal background check was prepared. The  
18 criminal background check required by this Section shall not be  
19 more than two years old.

20 Neither a clerk of the circuit court nor a judge may  
21 require that a criminal background check or fingerprint review  
22 be filed with, or at the same time as, an initial petition for  
23 adoption.

24 B. Investigation; foreign-born child. In the case of a  
25 child born outside the United States or a territory thereof, in  
26 addition to the investigation required under subsection (A) of

1 this Section, a post-placement investigation shall be  
2 conducted in accordance with the requirements of the Child Care  
3 Act of 1969, the Interstate Compact on the Placement of  
4 Children, and regulations of the foreign placing agency and the  
5 supervising agency.

6 The requirements of a post-placement investigation shall  
7 be deemed to have been satisfied if a valid final order or  
8 judgment of adoption has been entered by a court of competent  
9 jurisdiction in a country other than the United States or a  
10 territory thereof with respect to such child and the  
11 petitioners.

12 C. Report of investigation. The court shall determine  
13 whether the costs of the investigation shall be charged to the  
14 petitioners. The information obtained as a result of such  
15 investigation shall be presented to the court in a written  
16 report. The results of the criminal background check required  
17 under subsection (A) shall be provided to the court for its  
18 review. The court may, in its discretion, weigh the  
19 significance of the results of the criminal background check  
20 against the entirety of the background of the petitioners. The  
21 Court, in its discretion, may accept the report of the  
22 investigation previously made by a licensed child welfare  
23 agency, if made within one year prior to the entry of the  
24 judgment. Such report shall be treated as confidential and  
25 withheld from inspection unless findings adverse to the  
26 petitioners or to the child sought to be adopted are contained

1 therein, and in that event the court shall inform the  
2 petitioners of the relevant portions pertaining to the adverse  
3 findings. In no event shall any facts set forth in the report  
4 be considered at the hearing of the proceeding, unless  
5 established by competent evidence. The report shall be filed  
6 with the record of the proceeding. If the file relating to the  
7 proceeding is not impounded, the report shall be impounded by  
8 the clerk of the court and shall be made available for  
9 inspection only upon order of the court.

10 D. Related adoption. Such investigation shall not be made  
11 when the petition seeks to adopt a related child or an adult  
12 unless the court, in its discretion, shall so order. In such an  
13 event the court may appoint a person deemed competent by the  
14 court.

15 (Source: P.A. 93-418, eff. 1-1-04.)

16 (750 ILCS 50/18.4a) (from Ch. 40, par. 1522.4a)

17 Sec. 18.4a. Medical and mental health histories.

18 (a) Notwithstanding any other provision of law to the  
19 contrary, to the extent currently in possession of the agency,  
20 the medical and mental health histories of a child legally  
21 freed for adoption and of the birth parents, with information  
22 identifying the birth parents eliminated, shall be provided by  
23 an agency to the child's prospective adoptive parent and shall  
24 be provided upon request to an adoptive parent when a child has  
25 been adopted. The medical and mental health histories shall

1 include all the following available information:

2 (1) Conditions or diseases believed to be hereditary.

3 (2) Drugs or medications taken by the child's birth  
4 mother during pregnancy.

5 (3) Psychological and psychiatric information.

6 (4) Any other information that may be a factor  
7 influencing the child's present or future health.

8 (b) The Department of Children and Family Services may  
9 promulgate rules and regulations governing the release of  
10 medical histories under this Section and the preparation of the  
11 individual health information summaries required by Section  
12 18.4b.

13 (Source: P.A. 91-417, eff. 1-1-00.)

14 (750 ILCS 50/18.4b new)

15 Sec. 18.4b. Individual health information summaries. In  
16 any adoption action that is not an adoption that is assisted by  
17 an Illinois child welfare agency or an intercounty adoption,  
18 and other than when the petition seeks to adopt a related child  
19 or an adult, individual health information summaries for the  
20 child, birth mother, and birth father and a certified copy of  
21 the adoption petition shall be filed except for good cause  
22 shown with the Illinois Adoption Registry within 14 days after  
23 the petition for adoption is filed. An individual health  
24 information summary shall be based upon all significant  
25 medical, dental, and mental health information available about

1 the person but shall not contain any information identifying  
2 either birth parent.

3 (a) The child's individual health information summary  
4 shall include:

5 (1) his or her general physical characteristics and  
6 significant health information about the child concerning  
7 any disease, disability, dental condition, chronic or  
8 acute illness, allergy, hospitalization, or history of  
9 alcohol or other drug abuse;

10 (2) significant health information concerning any  
11 psychological or psychiatric condition, medication, or  
12 treatment;

13 (3) conditions or diseases believed to be hereditary;  
14 and

15 (4) any other information that may be a factor  
16 influencing the child's present or future physical,  
17 dental, or mental health.

18 (b) The birth mother's individual health information  
19 summary shall include:

20 (1) her age and significant health information about  
21 her concerning any disease, disability, dental condition,  
22 chronic or acute illness, allergy, or history of alcohol or  
23 other drug abuse;

24 (2) significant health information concerning any  
25 psychological or psychiatric condition, medication, or  
26 treatment;

- 1           (3) conditions or diseases believed to be hereditary;  
2           (4) any other information that may be a factor  
3           influencing the child's present or future physical,  
4           dental, or mental health; and  
5           (5) drugs or medications taken by her during the  
6           child's pregnancy.
- 7           (c) The birth father's individual health information  
8           summary shall include:
- 9           (1) his age and significant health information about  
10           him concerning any disease, disability, dental condition,  
11           chronic or acute illness, allergy, or history of alcohol or  
12           other drug abuse;
- 13           (2) significant health information concerning any  
14           psychological or psychiatric condition, medication, or  
15           treatment;
- 16           (3) conditions or diseases believed to be hereditary;  
17           and
- 18           (4) any other information that may be a factor  
19           influencing the child's present or future physical,  
20           dental, or mental health.

21           (750 ILCS 50/18.5) (from Ch. 40, par. 1522.5)

22           Sec. 18.5. Liability. No liability shall attach to the  
23           State, any agency thereof, any licensed agency, any judge, any  
24           officer or employee of the court, or any party or employee  
25           thereof involved in the surrender of a child for adoption or in

1 an adoption proceeding for acts or efforts made or information  
2 provided within the scope of Sections 18.05 thru 18.5,  
3 inclusive, of this Act and under its provisions, except for  
4 subsection (f) of Section 18.1.

5 (Source: P.A. 91-417, eff. 1-1-00.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.